

**UNITED
NATIONS**



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of the
Former Yugoslavia since 1991

Case No. IT-04-74-A
Date: 22 March 2017
Original: English

IN THE APPEALS CHAMBER

Before: Judge Carmel Agius, Presiding
Judge Liu Daqun
Judge Fausto Pocar
Judge Theodor Meron
Judge Bakone Justice Moloto

Registrar: Mr. John Hocking

Order of: 22 March 2017

PROSECUTOR

v.

**JADRANKO PRLIĆ
BRUNO STOJIĆ
SLOBODAN PRALJAK
MILIVOJ PETKOVIĆ
VALENTIN ĆORIĆ
BERISLAV PUŠIĆ**

PUBLIC

**INVITATION TO BOSNIA AND HERZEGOVINA, THE
REPUBLIC OF CROATIA, AND THE REGISTRAR**

The Office of the Prosecutor

Mr. Douglas Stringer
Ms. Barbara Goy
Ms. Laurel Baig

Government of Bosnia and Herzegovina

Government of Croatia

Counsel for the Accused:

Mr. Michael G. Karnavas and Ms. Suzana Tomanović for Mr. Jadranko Prlić
Ms. Senka Nožica and Mr. Karim A. A. Khan for Mr. Bruno Stojić
Ms. Nika Pinter and Ms. Natacha Fauveau-Ivanović for Mr. Slobodan Praljak
Ms. Vesna Alaburić and Mr. Davor Lazić for Mr. Milivoj Petković
Ms. Dijana Tomašegović-Tomić and Mr. Dražen Plavec for Mr. Valentin Ćorić
Mr. Fahrudin Ibrišimović and Mr. Roger Sahota for Mr. Berislav Pušić

THE APPEALS CHAMBER of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 (“Appeals Chamber” and “Tribunal”, respectively);

RECALLING that, pursuant to Rule 45(E) of the Tribunal’s Rules of Procedure and Evidence (“Rules”), “[w]here a person is assigned counsel and is subsequently found not to be lacking the means to remunerate counsel, the Chamber may, on application by the Registrar, make an order of contribution to recover the cost of providing counsel”;

RECALLING the Registrar’s public decision of 22 August 2012 (with a confidential and *ex parte* Appendix I and public Appendix II) that Slobodan Praljak (“Praljak”) was ineligible for the assignment of Tribunal-paid counsel, that he was able to fully remunerate counsel, and that he should bear the entirety of the costs of his defence, including the cost of legal aid funds previously incurred by the Tribunal (“Registrar’s Decision on Means”);¹

RECALLING that the Registrar’s Decision on Means was upheld, in relevant part, by the President of the Tribunal on 25 July 2013,² following which the Registrar invited Praljak to voluntarily comply with his obligation to reimburse the Tribunal for the costs of his defence, indicating that the total amount paid by the Tribunal for Praljak’s defence up to 25 July 2013 was €2,807,611.10;³

RECALLING the “Order on the Registrar’s Application Pursuant to Rule 45(E) of the Rules”, filed publicly by the Appeals Chamber on 13 May 2014 (“Order of Contribution”), in which it, *inter alia*, ordered Praljak “to reimburse the Tribunal the amount of €2,807,611.10 for the costs it sustained in providing him with legal aid” up until 25 July 2013, either within 90 days of notification of that order or, in the alternative, “in monthly instalments over a three-year period, provided a minimum payment of 10% is received within 90 days of notification of this [O]rder [of Contribution]”;⁴

RECALLING further the “Order Concerning Non-Receipt of Funds” filed publicly by the Appeals Chamber on 26 October 2016 (“Order on Funds”), in which it, *inter alia*: (1) reiterated Praljak’s obligation to reimburse the Tribunal and ordered him to do so in the total amount of €2,807,611.10 within 30 days of notification of that order or, in the alternative, “in monthly instalments over a one

¹ Registrar’s Decision on Means, p. 6.

² Decision on Slobodan Praljak’s Motion for Review of the Registrar’s Decision on Means, 25 July 2013 (confidential and *ex parte*). A public redacted version was filed on 28 August 2013.

³ Registrar’s Application for the Recovery of Legal Aid Funds, 20 January 2014 (public with confidential and *ex parte* annex), paras 7-8.

⁴ Order of Contribution, para. 24. See Order of Contribution, para. 13.

year-period, provided a minimum of 10% is received within 30 days of notification of this [Order on Funds]”; and (2) warned Praljak that if he failed to comply with this order, the Appeals Chamber would take “all appropriate action for its enforcement and the recovery of the amount due”;⁵

NOTING that as of the date of the filing of this invitation, being almost five months since the Order on Funds was issued, Praljak has neither reimbursed the full amount of €2,807,611.10 he owes the Tribunal, as of 25 July 2013, nor has he opted for the payment of monthly instalments as offered by the Appeals Chamber;⁶

CONSIDERING the Appeals Chamber’s serious concern with respect to the amount Praljak owes the Tribunal and the need to, therefore, take all appropriate action for the recovery of the funds;⁷

CONSIDERING that Praljak’s assets were determined to be largely located within Bosnia and Herzegovina and the Republic of Croatia (“BiH” and “Croatia”, respectively)⁸ and that the assistance of these states would therefore be of substantial benefit to the Tribunal in its recovery of the funds;

CONSIDERING, in particular, that the Appeals Chamber would benefit from submissions by BiH and Croatia, outlining the actions they can take in assisting the Tribunal in the recovery of the funds, as well as submissions from the Registrar in response;

CONSIDERING also that Article 29 of the Statute of the Tribunal (“Statute”) provides that States are under the obligation to cooperate with the Tribunal and shall comply without undue delay with any request for assistance or order issued by a chamber;

PURSUANT to Article 29 of the Statute and Rules 54 and 107 of the Rules;

HEREBY

- a) **INVITES** BiH and Croatia to file written submissions by 5 April 2017 outlining actions they can take, bearing in mind their obligations under Article 29 of the Statute, in order to assist the Tribunal in the recovery of the funds owed by Praljak and, in particular, the ability to seize non-liquid assets;⁹

⁵ Order on Funds, pp. 1-2.

⁶ See Order on Funds, p. 2.

⁷ See Order on Funds, pp. 1-2.

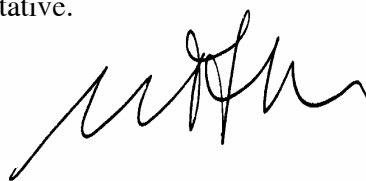
⁸ See Registrar’s Decision on Means, pp. 3-5.

⁹ See Registrar’s Decision on Means, pp. 3-5.

- b) **INVITES** the Registrar to file written submissions, should he wish to do so, within 7 days of receipt of BiH's and Croatia's written submissions;
- c) **INSTRUCTS** the Registry to provide BiH and Croatia with the abovementioned Order of Contribution, Registrar's Decision on Means,¹⁰ and Order on Funds.

Done in English and French, the English text being authoritative.

Dated this twenty second day of March 2017,
At The Hague,
The Netherlands.



Judge Carmel Agius
Presiding Judge

[Seal of the Tribunal]

¹⁰ The confidential and *ex parte* Appendix I to the Registrar's Decision on Means is not to be included.